

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-CV-11220-NG

GERARDINE E. TILLEY,
Plaintiff,

V.

1836 COUNTRY STORE, *et al.*
Defendants.

PLAINTIFF'S MOTION TO REOPEN
(ASSENTED TO)

NOW COMES the Plaintiff, Gerardine E. Tilley, and moves that this Honorable Court
reopen the above-caption matter.

In support of this motion, Ms. Tilley states:

1. On September 24, 2004, this Court ordered this matter dismissed with leave to reopen within 60 days of September 16, 2004 if, for good cause shown, the settlement between the parties was not consummated. (Docket No. 10).
2. The parties have been negotiating, and continue to negotiate, terms of settlement in good faith and have circulated a draft settlement agreement several times.
3. The agreement, however, is not yet finalized and the conditions precedent to execution also not yet met, although the parties do not believe there is any substantial obstacle to final settlement.
4. Defendants' counsel has assented to the reopening of the matter in light of the status of settlement.
5. The undersigned certifies that in accordance with L.R. 7(1)(a) he has conferred with opposing counsel and attempted in good faith to resolve or narrow the issue.

WHEREFORE, the Plaintiff therefore asks that this Court reopen this matter so that the case may proceed, in the unlikely event that the parties do not ultimately reach final settlement.

Respectfully Submitted,

Attorneys for Plaintiff
GERARDINE E. TILLEY

/s/ James C. Duda

James C. Duda, Esq.

BBO No. 551207

Bulkley, Richardson & Gelinas, LLP

1500 Main Street, Suite 2700

Springfield, MA 01115

Tel: (413) 272-6284

Fax: (413) 272-6806